



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

PAT QUINN, GOVERNOR

JOHN J. KIM, INTERIM DIRECTOR

217-785-0561

October 24, 2012

CERTIFIED MAIL # 7011 1150 0001 0859 0089
RETURN RECEIPT REQUESTED

John Kennedy
Senior Vice President, Generation
235 Remington, Suite A
Bolingbrook, IL 60440

**Re: Compliance Commitment Acceptance
Violation Notice: W-2012-00055
Midwest Generation, LLC, Crawford Generating Station; ID Number: 6280**

Dear Mr. Kennedy:


The Illinois Environmental Protection Agency ("Illinois EPA") has approved the Compliance Commitment Agreement ("CCA") for Midwest Generation, LLC, Crawford Generating Station. Please find enclosed an executed copy of the CCA for your records.

Failure to fully comply with the CCA may, at the sole discretion of the Illinois EPA, result in referral of this matter to the Office of the Attorney General, the State's Attorney or the United States Environmental Protection Agency.

The CCA does not constitute a waiver or modification of the terms and conditions of any license or permit issued by the Illinois EPA or any other unit or department of local, state or federal government or of any local, state or federal statute or regulatory requirement.

Questions regarding this matter should be directed to Andrea Rhodes at 217/785-0561. Written communications should be directed to the Illinois Environmental Protection Agency, Bureau of Water, CAS #19, P.O. Box 19276, Springfield, IL 62794-9276, and all communications shall include reference to your Violation Notice Number W-2012-00055.

Sincerely,


Michael Crumly
Manager, Compliance Assurance Section
Division of Public Water Supplies
Bureau of Water

Attachments

cc: Basil G. Constantelos
Maria Race
Susan M. Franzetti

RECEIVED

OCT 29 2012

BOW ID: W0316000340 CASE ID: 2012-006

4302 N. Main St., Rockford, IL 61103 (815)987-7760
595 S. State, Elgin, IL 60123 (847)608-3131
2125 S. First St., Champaign, IL 61820 (217)278-5800
2009 Mall St., Collinsville, IL 62234 (618)346-5120

9511 Harrison St., Des Plaines, IL 60016 (847)294-4000
5407 N. University St., Arbor 113, Peoria, IL 61614 (309)693-5462
2309 W. Main St., Suite 116, Marion, IL 62959 (618)993-7200
100 W. Randolph, Suite 11-300, Chicago, IL 60601 (312)814-6026

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF:

MIDWEST GENERATION, LLC,
CRAWFORD GENERATING STATION
CHICAGO, COOK COUNTY, IL
ID NUMBER: 6280

RECEIVED

OCT 17 2012

IEPA/CAS

ILLINOIS EPA VN W-2012-00055
BUREAU OF WATER

COMPLIANCE COMMITMENT AGREEMENT

I. Jurisdiction

1. This Compliance Commitment Agreement ("CCA") is entered into voluntarily by the Illinois Environmental Protection Agency ("Illinois EPA") and Midwest Generation, LLC, Crawford Generating Station ("Respondent") (collectively, the "Parties") under the authority vested in the Illinois EPA pursuant to Section 31(a)(7)(i) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31(a)(7)(i).

II. Allegation of Violations

2. Respondent owns and operated Crawford Generating Station in Chicago, Cook County, Illinois ("Crawford Station").
3. Pursuant to Violation Notice ("VN") W-2012-00055 issued on June 11, 2012, the Illinois EPA contends that Respondent has violated the following provisions of the Act and Illinois Pollution Control Board ("Board") Regulations:
 - a) Operations at ash impoundments have resulted in violations of the Groundwater Quality Standards at monitoring wells MW-1 and MW-2.
Section 12 of the Act, 415 ILCS 5/12, 35 Ill. Adm. Code 620.115, 620.301, 620.401, 620.405, and 620.410.

III. Compliance Activities

4. On August 29, 2012, the Illinois EPA received Respondent's response to VN W-2012-00055, which included proposed terms for a CCA. The Illinois EPA has reviewed Respondent's proposed CCA terms, as well as considered whether any additional terms and conditions are necessary to attain compliance with the alleged violations cited in the VN.
5. Respondent agrees to undertake and complete the following actions, which the Illinois EPA has determined are necessary to attain compliance with the allegations contained in VN W-2012-00055:
 - a) Crawford Station shall shut down no later than September 30, 2012. Midwest Generation shall submit confirmation of this shut down to the Illinois EPA by November 15, 2012.
 - b) Midwest Generation shall cease operation of the hydro-bins.
 - c) Basin 16 shall be rinsed and the rinse water shall be directed to the Basin 16 sump for discharge to the equalization basins. Basin 16 may continue to be used for storm water management purposes.
 - d) Ash shall be removed from the Crawford Station fly ash silos, hydro-bins, and precipitators.
 - e) In the confirmation submitted pursuant to item 5(a), Midwest Generation must confirm that the coal pile has been removed and the coal fines scraped from the area. Midwest Generation shall cover the coal pile area with topsoil and seed it.
 - f) The coal pile run-off pond shall be dredged.
 - g) The wastewater treatment system equalization basins shall be drained and sediment removed with a front end loader.
 - h) Pending modification of the existing NPDES permit, or until a new NPDES storm water permit is issued to reflect the changed conditions at the Crawford Station, the wastewater treatment system will continue to operate, either in its existing condition or as modified, to address the lack of process wastewater discharges and the on-going discharge of storm water from the Crawford Station.
 - i) Once all of the decommissioning activities, items (b) through (g) above, have been completed, Midwest Generation shall submit a certification (or a statement) of compliance. Midwest Generation may submit either the attached "Illinois EPA Compliance Statement" or another similar writing to satisfy the statement of compliance within one year of the effective date of this CCA.

IV. Terms and Conditions

6. Respondent shall comply with all provisions of this CCA, including, but not limited to, any appendices to this CCA and all documents incorporated by reference into this CCA. Pursuant to Section 31(a)(10) of the Act, 415 ILCS 5/31(a)(10), if Respondent complies with the terms of this CCA, the Illinois EPA shall not refer the alleged violations that are the subject of this CCA, as described in Section II above, to the Office of the Illinois Attorney General or the State's Attorney of the county in which the alleged violations occurred. Successful completion of this CCA or an amended CCA shall be a factor to be weighed, in favor of the Respondent, by the Office of the Illinois Attorney General in determining whether to file a complaint on its own motion for the violations cited in VN W-2012-00055.
7. This CCA is solely intended to address the violations alleged in Illinois EPA VN W-2012-00055. The Illinois EPA reserves and this CCA is without prejudice to, all rights of the Illinois EPA against Respondent with respect to noncompliance with any term of this CCA, as well as to all other matters. Nothing in this CCA is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the Illinois EPA may have against Respondent, or any other person as defined by Section 3.315 of the Act, 415 ILCS 5/3.315. This CCA in no way affects the responsibilities of Respondent to comply with any other federal, state or local laws or regulations, including but not limited to the Act, and the Board Regulations [and Permit, if applicable].
8. Pursuant to Section 42(k) of the Act, 415 ILCS 5/42(k), in addition to any other remedy or penalty that may apply, whether civil or criminal, Respondent shall be liable for an additional civil penalty of \$2,000 for violation of any of the terms or conditions of this CCA.
9. This CCA shall apply to and be binding upon the Illinois EPA, and on Respondent and Respondent's officers, directors, employees, agents, successors, assigns, heirs, trustees, receivers, and upon all persons, including but not limited to contractors and consultants, acting on behalf of Respondent, as well as upon subsequent purchasers of Respondent's Crawford Station in Chicago, Cook County, Illinois.
10. In any action by the Illinois EPA to enforce the terms of this CCA, Respondent consents to and agrees not to contest the authority or jurisdiction of the Illinois EPA to enter into or enforce this CCA, and agrees not to contest the validity of this CCA or its terms and conditions.

11. This CCA shall only become effective:


- a) If, within 30 days of receipt, Respondent executes this CCA and submits it, via certified mail, to Illinois EPA, Bureau of Water, Andrea Rhodes, MC #19, 1021 North Grand Ave East, Springfield, IL 62702. If Respondent fails to execute and submit this CCA within 30 days of receipt, via certified mail, this CCA shall be deemed rejected by operation of law; and
- b) Upon execution by all Parties.

12. Pursuant to Section 31(a)(7.5) of the Act, 415 ILCS 5/31(a)(7.5), this CCA shall not be amended or modified prior to execution by the Parties. Any amendment or modification to this CCA by Respondent prior to execution by all Parties shall be considered a rejection of the CCA by operation of law. This CCA may only be amended subsequent to its effective date, in writing, and by mutual agreement between the Illinois EPA and Respondent's signatory to this CCA, Respondent's legal representative, or Respondent's agent.

AGREED:

FOR THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY:

BY:

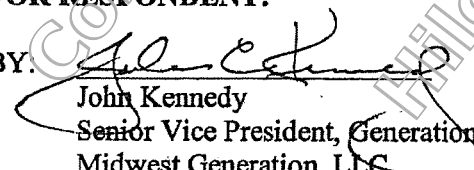

Michael Crumly
Manager, Compliance Assurance Section
Division of Public Water Supplies
Bureau of Water

DATE:

10/24/12

FOR RESPONDENT:

BY:


John Kennedy
Senior Vice President, Generation
Midwest Generation, LLC

DATE:

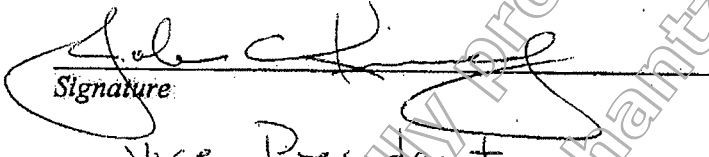
Oct 15, 2012

Illinois EPA Compliance Statement

The owner of the facility must acknowledge that all compliance commitment agreement (CCA) measures have been successfully completed.

Please complete, sign, and return.

I John C. Kennedy (print name), hereby certify that all violations addressed in Violation Notice (VN) number W-2012-00055 have been addressed and that all CCA measures were completed on MAY 22, 2013 (date).


Signature

Vice President
Title

(630) 771-7823
Telephone Number

May 23, 2013
Date

Be sure to retain copies of this document for your files. Should you need additional notification forms, please contact this office at (217)785-0561. Return this completed form to:

Illinois Environmental Protection Agency
Compliance Assurance Section #19
Bureau of Water
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

"Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Agency,.....related to or required by this Act, a regulation adopted under this Act, any federal law or regulation for which the Agency has responsibility, or any permit, term, or condition thereof, commits a Class 4 felony..." (415 ILCS 5/44(h) (8))